

RECEIVED
CENTRAL FAX CENTER
SEP 20 2006

PATENT

Appl. No. 10/678,023
Amdt. dated September 20, 2006
Reply to Office Action of May 30, 2006

Amendments to the Specification:

Please replace paragraph [0047] with the following amended paragraph:

[0047] Statement of Deposit. A biologically pure culture of *Chromobacterium subtsugae* sp. nov. was deposited May 9, 2003 under terms of the Budapest Treaty with the Agricultural Research Service Culture Collection (NRRL) National Center for Agricultural Utilization Research, Agricultural Research Service, U.S. Department of Agriculture, 1815 North University Street, Peoria, Illinois 61604 USA and given the accession number NRRL B-30655. The microorganism deposit was made under the provisions of the "Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure." All restrictions on the availability to the public of these deposited microorganisms will be irrevocably removed upon issuance of a United States patent based on this application. For the purposes of this invention, any isolate having the identifying characteristics of strains NRRL B-30655, including subcultures and variants thereof which have the identifying characteristics and activity as described herein are included.

USDA Docket No. 0136.02